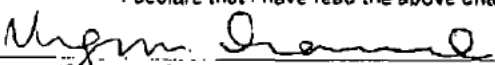


|  |   |  |  |
|--|---|--|--|
| <b>UNITED STATES OF AMERICA<br/>NATIONAL LABOR RELATIONS BOARD<br/>CHARGE AGAINST EMPLOYER</b>   |   | <b>DO NOT WRITE IN THIS SPACE</b><br>Case <span style="float: right;">Date Filed</span><br><b>05-CA-140171      10/30/14</b> |  |
| <b>INSTRUCTIONS.</b> File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.  |   |  |  |
| <b>1 EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>   |   |  |  |
| <b>a. Name of Employer</b><br>Holeman Enterprises d/b/a McDonald's & McDonald's Corp. as Joint and Single Employers  |   | <b>b. Number of workers employed</b><br>100  |  |
| <b>c. Address</b><br><br>2011 Chamberlayne Ave<br>Richmond, VA 23222<br><br>McDonald's Corp: 2111 McDonald's Dr.<br>Oak Brook, IL 60523  | <b>d. Employer Representative</b><br><br>Holeman Enterprises: (b) (6), (b) (7)(C)<br>McDonald's: Gloria Santana | <b>e. Telephone No.</b><br>Holeman Enterprises: (804) 321-3405   |  |
| <b>f. Type of Establishment</b><br>Restaurant  | <b>g. Identify principal product or service</b><br>Food Service   |  |  |
| <b>h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection s(1) and (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act</b>  |   |  |  |
| <b>2. BASIS OF THE CHARGE (Set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</b><br><br>On a date within the last six months, employer has interfered with and discriminated against employees in the exercise of their Section 7 rights in violation of Sections 8(a)(1) and (3) of the Act by engaging in the following conduct:<br><br>-reducing the hours and days of employee (b) (6), (b) (7)(C) by way of early dismissal, in retaliation for participating in the (b) (6), (b) (7)(C) nationwide fast food strikes;<br><br>-disparately disciplining (b) (6), (b) (7)(C) in retaliation for participating in the (b) (6), (b) (7)(C) nationwide fast food strikes. |   |  |  |
| <b>3 Full name of party filing charge (if labor organization, give full name, including local name and number)</b><br>Southern Workers Organizing Committee  |   |  |  |
| <b>4a. Address (street and number, city, state, and ZIP code)</b><br><br>314 S. Wilmington St., Suite 207<br>Raleigh, NC 27601   |   | <b>4b. Telephone No.</b><br><br>(b) (6), (b) (7)(C)  |  |
| <b>5 Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)</b>  |   |  |  |
| <b>6. DECLARATION</b><br>I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  |   |  |  |
| <br>(Signature of representative or person making charge)   |   | _____<br>Attorney<br>(Title if any)  |  |
| Address <u>Ashcraft &amp; Gerel LLP 4900 Seminary Road, Suite 650 Alexandria, VA 22311</u>   |   | (703) 931-5500<br>(Telephone No.)  |  |
| (Date) <u>Oct 30, 2014</u>   |   |  |  |
| <b>WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)</b>  |   |  |  |

# CHARGE ASSIGNMENT SHEET (EMPLOYER)

Case No.: 5- CA

14071

CASE NAME:

Hedeen Enterprises d/b/a McDonald's  
& McDonald's Corp as Joint and  
Single Employers

DATE FILED:

10/30/14

CATEGORY:

☐ I ☐ II ☒ III

Potential 10(j)

Yes

8(a)(2) (indicated name of union):

# discriminatees

8(a)(3): /

# of Employees (if not currently on charge)

IO charge? Yes: ☐ No: ☒

Dispute City:

Richmond

Dispute State:

VA

Barg Status:

- ☐ Existing Contract  
☐ Expired Contract  
☐ Initial Contract  
☒ None  
☐ Organizational Campaign  
☐ Succeeding Contract

SUPERVISOR:

NMS

AGENT:

Doan

8(a)(1)

- ☐ Coercive Actions (Surveillance, etc)  
☐ Coercive Rules  
☐ Coercive Statements (Threats, Promises of Benefits, etc.)  
☐ Concerted Activities (Retaliation, Discharge, Discipline)  
☐ Denial of Access  
☐ Discharge of supervisor (Parker-Robb Chevrolet)  
☐ Interrogation (including Polling)  
☐ Lawsuits  
☐ Weingarten

8(a)(4)

- ☐ Changes in Terms and Conditions of Employment  
☐ Discharge (including Layoff and Refusal to Hire)  
☐ Discipline  
☐ Refusal to Reinstate Employee/Striker  
☐ Shutdown or Relocate/ Subcontract Unit Work

8(a)(5)

- ☐ Alter Ego  
☐ Failure to Sign Agreement  
☐ Refusal to Bargain/Bad Faith Bargaining (incl'g surface bargaining/direct dealing)  
☐ Refusal to Furnish Information  
☐ Refusal to Hire Majority  
☐ Refusal to Recognize  
☐ Repudiation/Modification of Contract[Sec 8(d)/Unilateral Changes  
☐ Shutdown or Relocate (e.g. First National Maint.).Subcontract Work

8(a)(2)

- ☐ Assistance  
☐ Domination  
☐ Unlawful Recognition

8(a)(3)

- ☒ Changes in Terms and Conditions of Employment  
☐ Discharge (Including Layoff and Refusal to Hire (not salting))  
☒ Discipline  
☐ Lockout  
☐ Refusal to Consider/Hire Applicant (salting only)  
☐ Refusal to Reinstate E'ee/Striker (e.g. Laidlaw)  
☐ Retaliatory Lawsuit  
☐ Shutdown or Relocate/ Subcontract Unit Work  
☐ Union Security Related Actions

8(e)

- ☐ All Allegations against a Labor Organization  
☐ All Allegations against an Employer

Iq: (b) (6), (b) (7)(C)

proofed by: Ag 11/5/14

Data Entry Requirements for Injunction 10(j) Windows in NxGen

|                          |                             |              |
|--------------------------|-----------------------------|--------------|
| Injunction 10(j) Window: | Case Name:                  | Case Number: |
| Panel                    | Fields                      | Data Entry   |
| Identification           | Date Requested              |              |
|                          | Party Requesting            |              |
|                          | Sua Sponte                  | 10/30/14     |
|                          | Date Charged Party Notified | 12 Oct 14    |
| Additional Comments:     |                             |              |



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198



Download  
NLRB  
Mobile App

November 5, 2014

**(b) (6), (b) (7)(C)**

Holeman Enterprises  
2011 Chamberlayne Avenue  
Richmond, VA 23222

Re: Holeman Enterprises d/b/a McDonald's &  
McDonald's Corp. as Joint and Single  
Employers  
Case 05-CA-140171

Dear **(b) (6), (b) (7)(C)**:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner Bisi Dean whose telephone number is (410)962-0179. If this Board agent is not available, you may contact Supervisory Field Examiner Nathan M. Seidman whose telephone number is (410)962-2740.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.**

November 5, 2014

Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

November 5, 2014

We can provide assistance for persons with limited English proficiency or disability.  
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Charles L. Posner". The signature is written in a cursive, flowing style.

Charles L. Posner  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Ms. Gloria Santona  
McDonald's Corp.  
2111 McDonald's Drive  
Oak Brook, IL 60523

**QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

**CASE NAME**

Holeman Enterprises d/b/aa McDonald's &amp; McDonald's Corp. as Joint and Single Employers

**CASE NUMBER**

05-CA-140171

**1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

**4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

**9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )****YES NO**A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)  
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: \_\_\_\_\_**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**HOLEMAN ENTERPRISES D/B/AA  
MCDONALD'S & MCDONALD'S CORP. AS  
JOINT AND SINGLE EMPLOYERS**

Charged Party

and

**SOUTHERN WORKERS ORGANIZING  
COMMITTEE**

Charging Party

**Case 05-CA-140171**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on November 5, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

**(b) (6), (b) (7)(C)**

Holeman Enterprises  
2011 Chamberlayne Avenue  
Richmond, VA 23222

Ms. Gloria Santona  
McDonald's Corp.  
2111 McDonald's Drive  
Oak Brook, IL 60523

November 5, 2014

Date

Katherine Davis, Designated Agent of NLRB

Name

*/s/ Katherine Davis*

Signature





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198



Download  
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Mobile App

November 5, 2014

**(b) (6), (b) (7)(C)**

Southern Workers Organizing Committee  
314 S. Wilmington Street, Suite 207  
Raleigh, NC 27601

Re: Holeman Enterprises d/b/a McDonald's &  
McDonald's Corp. as Joint and Single  
Employers  
Case 05-CA-140171

Dear **(b) (6), (b) (7)(C)**:

The charge that you filed in this case on October 30, 2014 has been docketed as case number 05-CA-140171. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner Bisi Dean whose telephone number is (410)962-0179. If this Board agent is not available, you may contact Supervisory Field Examiner Nathan M. Seidman whose telephone number is (410)962-2740.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

November 5, 2014

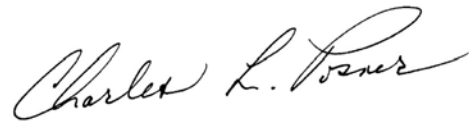
fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Charles L. Posner". The signature is fluid and cursive, with the first name "Charles" being the most prominent.

Charles L. Posner  
Regional Director

Enclosure: Copy of Charge

cc: Virginia Diamond, Esq.  
Ashcraft & Gerel, LLP  
4900 Seminary Road, Suite 650  
Alexandria, VA 22311

I'm Willing To Do

# Whatever It Takes To Win

\$15/Hour and a Union

I have decided to unite with my co-workers in order to make improvements for both our families and ourselves. I hereby authorize Southern Workers Organizing Committee as my collective bargaining agent. I authorize Southern Workers Organizing Committee to negotiate over wages, hours and working conditions without the necessity of a representation election if my employer voluntarily recognizes Southern Workers Organizing Committee.

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_ APT: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

EMPLOYER: \_\_\_\_\_ SHIFT: \_\_\_\_\_ JOB TITLE: \_\_\_\_\_

PHONE: (\_\_\_\_\_) \_\_\_\_\_ EMAIL: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_



☐ Check box to receive text updates

CON DATE: (b) (6), (b) (7)(C) 14  
RUN TIME: (b) (6), (b) (7)(C)

STORE MANAGER'S BUSINESS SYSTEM

(b) (6), (b) (7)(C)

STORE: 1576  
PAGE: 1

CREW MEETING REPORT  
ELEARNING

MEETING HELD ON (b) (6), (b) (7)(C) /14, (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) ADDED TO THE FOLLOWING EMPLOYEES' PRIMARY ID

(b) (6), (b) (7)(C)

The material contained herein is business confidential information of your employer and may not be used or copied without the prior written permission of your employer, unless it is being used in Employee Protected Communications. Employee Protected Communications are communications between non-supervisory employees regarding terms and conditions of employment, such as wages and benefits, hours, working conditions and personnel actions.

# Raise Up for \$15 and a Union

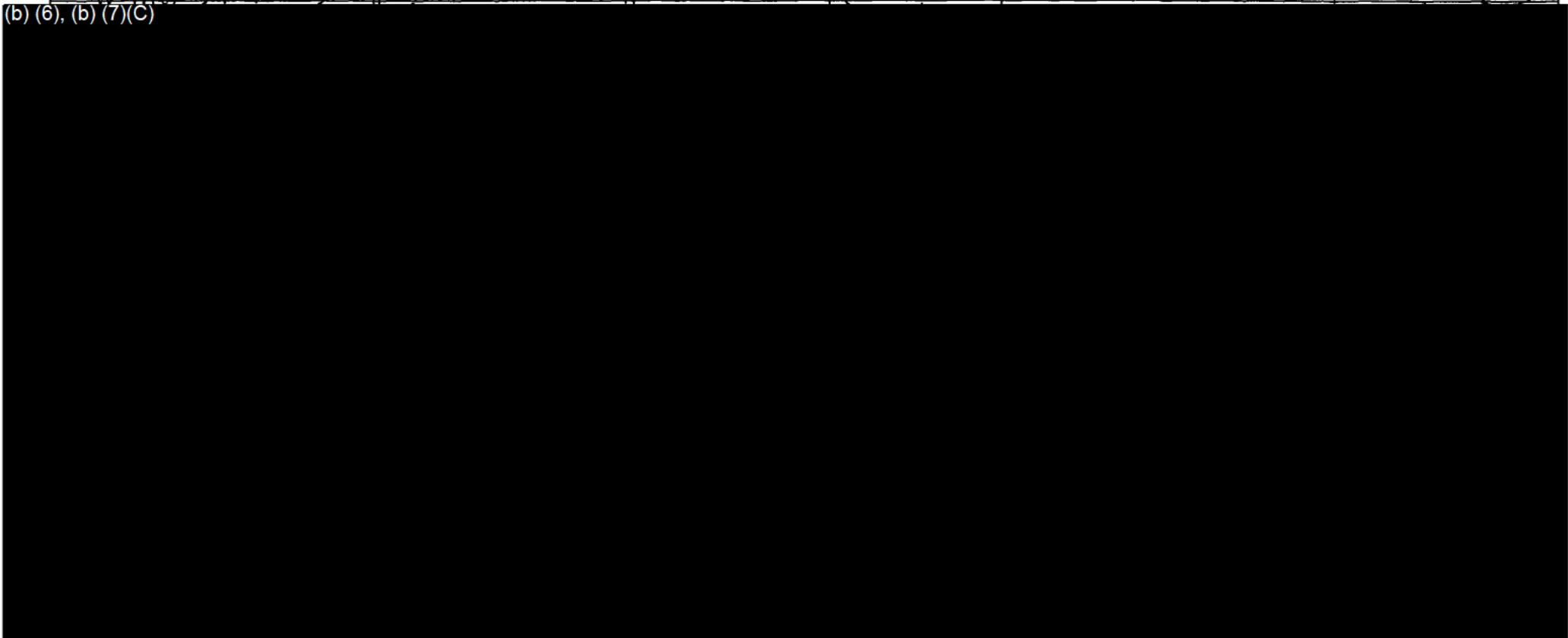
I am committing to do *whatever* it takes to win \$15/hr and a union. I will not settle for anything less! Workers across the country have gone on strike, organized their coworkers, and engaged in non-violent civil disobedience. I am willing to do any and all of these things to win \$15/hr and a union!

| First               | Middle | Last | Date of Birth | City of Residence | Store (McD's) | Phone |
|---------------------|--------|------|---------------|-------------------|---------------|-------|
| (b) (6), (b) (7)(C) |        |      |               |                   |               |       |
|                     |        |      |               |                   |               |       |
|                     |        |      |               |                   |               |       |
|                     |        |      |               |                   |               |       |
|                     |        |      |               |                   |               |       |
|                     |        |      |               |                   |               |       |
|                     |        |      |               |                   |               |       |
|                     |        |      |               |                   |               |       |
|                     |        |      |               |                   |               |       |

\*By signing this form I agree to allow Raise Up for 15 to use my picture, quote and/or likeness in public materials.

## 9.4.14 Member/Community Sign in Sheet

| Print Name       | Home Address                         | Phone #         | Email Address        | Local/Organization | Staff or Member |
|------------------|--------------------------------------|-----------------|----------------------|--------------------|-----------------|
| 1. Verna Diamond | 1917 Virginia Ave<br>Mclean VA 22101 | 703-627<br>5510 | Diamondv<br>@aol.com | <del>SWA</del> SWA | A. Horney       |



(b) (6), (b) (7)(C)

Location:

Date:

(b) (6), (b) (7)(C)

*correct evening*

# 9.4.14 Member/Community Sign in Sheet

Print Name

Home Address

Phone #

Email Address

Local/Organization

Staff or Member

(b) (6), (b) (7)(C)



Virginia Diamond

1911 Virginia St  
Milan UT 22101

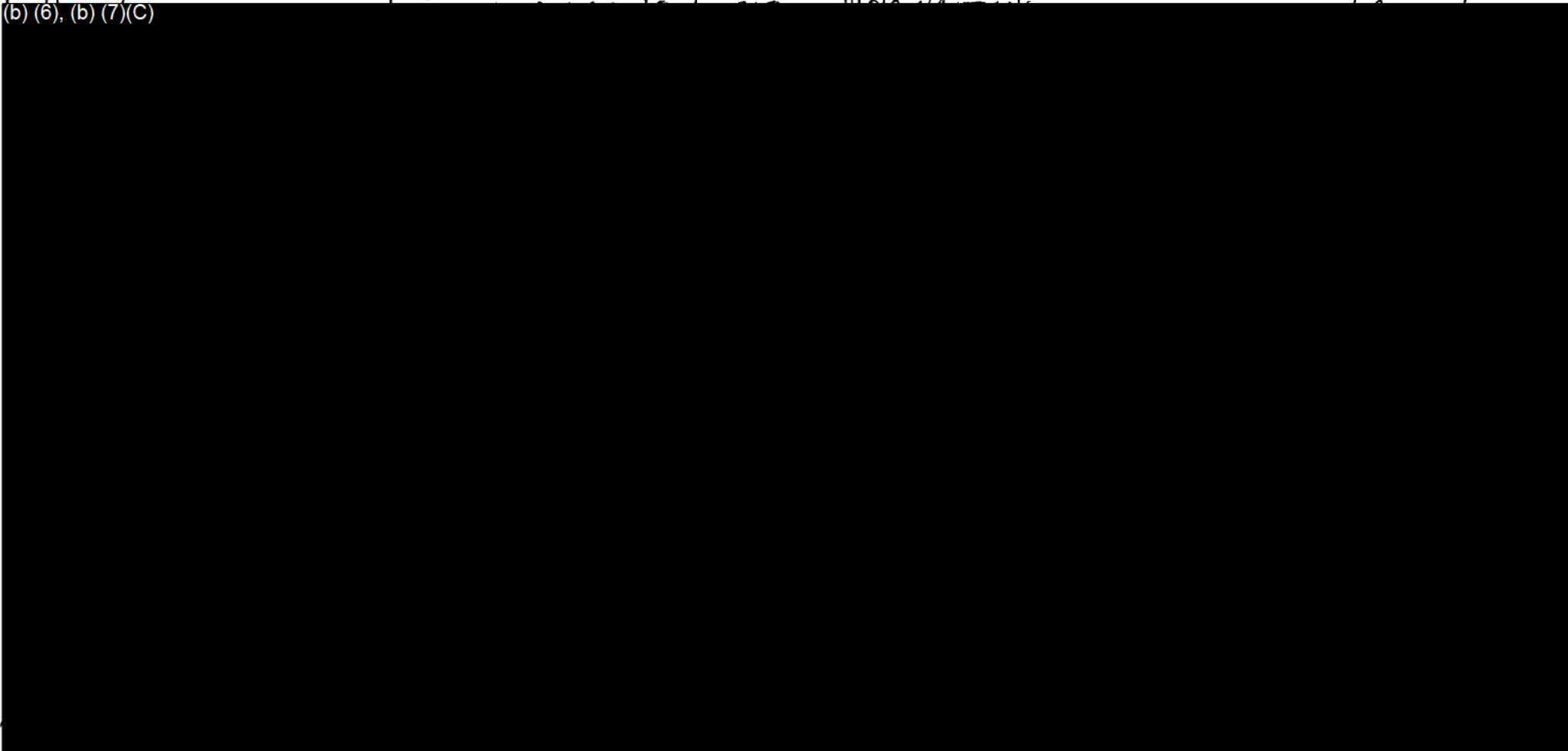
705-627-5510

Diamond@goi.com

SWOC

Atty

(b) (6), (b) (7)(C)



=====

Time Function Report  
Date: (b) (6), (b) (7)(C) 1576

=====

Employee ID: (b) (6), (b) (7)(C)  
Title: (b) (6), (b) (7)(C)

Time Function Data

| Punch | In  | Elapsed |
|-------|-----|---------|
| In    | Out | Time    |

(b) (6), (b) (7)(C)

Total Hours: (b) (6), (b) (7)(C)

Note: Total hours may differ on ISP

=====

Printed on (b) (6), (b) (7)(C) 4 (b) (6), (b) (7)(C)

=====



I ~~am~~ (b) (6), (b) (7)(C) had a  
crew meeting with ~~some of the~~ (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) ~~the~~ 2014  
at (b) (6), (b) (7)(C) we had a brief discussion  
on how I can gain more hours because  
I noticed after (b) (6), (b) (7)(C) ~~the~~  
(in which I went to protest for minimum)  
wage workers to earn \$15.00 an hour  
that I didn't have any hours on my work  
schedule but the (b) (6),  
(b) (7)(C) workers I went with to Chicago  
all had hours. So after the meeting with  
(b) (6), (b) (7)(C) the agreement was for  
me to at least work (b) (6), (b) (7)(C)  
and that (b) (6),  
(b) (7) was going to (b) (6), (b) (7)(C) to  
do (b) (6), (b) (7)(C) As of (b) (6), (b) (7)(C)  
I have not been in (b) (6), (b) (7)(C) yet.  
I have since been on the (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) which I do not  
mind doing. ~~Also~~ Also sometimes I'm  
still on the (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2014  
I came in about (b) (6), (b) (7)(C) I was told  
to clean the parking lot by (b) (6), (b) (7)(C) that  
goes by the name of (b) (6), (b) (7)(C) so I cleaned  
the parking lot ~~and that's~~ but it wasn't

cleaned to (b) (6), (b) (7)(C) standards so (b) (6), (b) (7)(C) told me I had to ~~do~~ clean it again. I said okay I would do it, (b) (6), (b) (7)(C) said that my ~~att~~ attitude was nonchalant and that I didn't give (b) (6), (b) (7)(C) eye-contact. I didn't complain or argue I just said oh. I went back to working on the grill ~~where~~ I burned about (b) (6), (b) (7)(C) pieces of meat and I threw them in the wastebucket where I was told by the crew-trainer to throw food instead of throwing it in the trash to waste it. I once again got pulled to the side by (b) (6), (b) (7)(C) who goes by the name of (b) (6), (b) (7)(C) and was told to go home and that (b) (6), (b) (7)(C) didn't want me working on (b) (6), (b) (7)(C) anymore and that I wasn't (b) (6), (b) (7)(C). I replied oh. I did not work but (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) which was not apart of the agreement that I was guaranteed ~~to~~ at the conference by (b) (6), (b) (7)(C). I was also told to call back up there and speak to (b) (6), (b) (7)(C) about my hours and when (b) (6), (b) (7)(C) wanted me to work again. I again replied oh.

On (b) (6), (b) (7)(C) I came to work  
(a) (b) (6), (b) (7)(C) and I was told by (b) (6), (b) (7)(C)  
to stay on the frontline and not to walk  
off unless I asked. I said oh and agreed.  
At about (b) (6), (b) (7)(C) I walked to the front like I  
usually do to get me a cup of soda  
because it gets hot working on the table  
and so I went to get me ~~some~~  
something to drink when I was confronted  
by (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) replied  
I replied "I don't have to ask to get  
something to drink when everybody else  
doesn't ask" I was then told by (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) to go home so I replied okay  
and then I was told by the other  
(b) (6), (b) (7)(C) that I was getting  
a warning write up. I was sent home  
once again working only (b) (6), (b) (7)(C)  
when I was promised (b) (6), (b) (7)(C) I left  
approximately (b) (6), (b) (7)(C) when I was suppose  
to leave at (b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198  
Agent's Direct Dial: (410)962-0179

November 28, 2014

VIA ELECTRONIC MAIL ONLY

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Re: Holeman Enterprises d/b/a McDonald's &  
McDonald's Corp. as Joint and Single  
Employers  
Case 05-CA-140171

Dear Ms. Davis, Messrs. Douthat, Jr., Ferrell, Grossman, and Madsen:

As you may know, I am the Board agent assigned to investigate the above-captioned charge. I am writing this letter to advise you that it is now necessary for me to take evidence from your client regarding the allegations raised in the investigation of the above-captioned matter. As explained below, I am requesting to take affidavits on or before **Monday, December 8, 2014**, with regard to certain allegations in this case.<sup>1</sup>

---

<sup>1</sup> As we discussed during the week of November 24, 2014, as the Charged Party is willing to allow the Board Agent to obtain Board affidavits from its representatives, she agreed the Charged Party's position and evidence in Case

**Allegations:** The allegations for which I am seeking your evidence are as follows.

- As noted in the charge, employee (b) (6), (b) (7)(C) participated in the (b) (6), (b) (7)(C) nationwide fast food strikes on behalf of the Southern Workers Organizing Committee;
- Since on or about (b) (6), (b) (7)(C) 2014, the above-named Employer(s), discriminated against employee (b) (6), (b) (7)(C) by reducing (b) (6), (b) (7)(C) days and hours of work, by way of early dismissal, in retaliation for (b) (6), (b) (7)(C) affiliation with and/or activities on behalf of Southern Workers Organizing Committee;
- Since on or about (b) (6), (b) (7)(C) 2014, the above-named Employer(s), discriminated against employee (b) (6), (b) (7)(C) by disparately disciplining (b) (6), (b) (7)(C) in retaliation for (b) (6), (b) (7)(C) affiliation with and/or activities on behalf of Southern Workers Organizing Committee;
- Sometime between (b) (6), (b) (7)(C) 2014, the above-named Employer(s), discriminated against employee (b) (6), (b) (7)(C) by denying (b) (6), (b) (7)(C) request for a store transfer, in retaliation for (b) (6), (b) (7)(C) affiliation with and/or activities on behalf of Southern Workers Organizing Committee; and
- Sometime in (b) (6), (b) (7)(C) 2014, the above-named Employer(s), discriminated against employee (b) (6), (b) (7)(C) by (b) (6), (b) (7)(C), last name presently unknown, by telling (b) (6), (b) (7)(C) employment was terminated.

**Board Affidavits:** I am requesting to take affidavits from the following Employer Representatives:

- Store #1576 (b) (6), (b) (7)(C) ;
- Store #1576 (b) (6), (b) (7)(C), last name presently unknown
- Store #1576 (b) (6), (b) (7)(C) full legal name presently unknown;
- (b) (6), (b) (7)(C) full legal name presently unknown;
- And any other individuals you believe have information relevant to the investigation of the above-captioned matter.

Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. Please contact me by Friday, December 5, 2014, to schedule these affidavits.



**Position Statement:** In order for me to complete this investigation, I am also requesting the Employer's position regarding the allegations, including any case authority relied upon.

**Documents:** Please provide the following documents, along with any and all other evidence you deem to be relevant to the case:

1. The Employee handbook;
2. The full and complete personnel file of employee (b) (6), (b) (7)(C) including, but not limited to, all performance evaluations, disciplinary warnings, including notes on any and all verbal warnings, termination notices, etc.;
3. Any and all documents relied upon by the Employer(s) in making the decision to reduced employee (b) (6), (b) (7)(C) hours and days of work, such as internal correspondence, statements, etc.;
4. Any and all documents relied upon by the Employer(s) in making the decision to (a) discipline and (b) terminate employee (b) (6), (b) (7)(C) such as internal correspondence, statements, etc.;
5. Any and all documents which provide examples of other employees who had been (a) disciplined and (b) terminated for the same or similar reasons relied upon by the Employer in terminating the employment of employee (b) (6), (b) (7)(C);
6. The attendance records for the period of (b) (6), (b) (7)(C) 2014;
7. Any other documents you deem relevant to the issues raised by this charge.

**Position on 10(j) Relief:** You are also requested to provide your position as to the appropriateness of Section 10(j) injunctive relief in this matter. As you may know, Section 10(j) of the Act permits the NLRB to ask a federal district court "for appropriate temporary relief or restraining order" pending the Board's resolution of an unfair labor practice charge. The district court is authorized to grant "such temporary relief or restraining order as it deems just and proper." If the Region determines the Charged Party has violated the Act as alleged, the Region will consider whether to seek injunctive relief in this matter. Accordingly, please provide your position, legal theory, case law, and supporting evidence regarding whether injunctive relief would be appropriate for the alleged violations in this case and whether such injunctive relief would be just and proper. I wish to emphasize that the Region has not yet made a decision as to whether the Charged Party has violated the Act as alleged. Rather, we want to provide you with adequate notice that injunctive relief will be considered if such a decision is made.

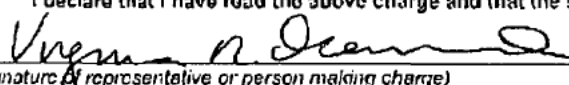
**Date for Submitting Evidence:** To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by **Monday, December 8, 2014**. If you are willing to allow me to take affidavits, please contact me by Friday, December 5, 2014, to schedule a time to take affidavits. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), select **E-File Documents**, enter the **NLRB case number**, and follow the

detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (410)962-0179, or e-mail, [bisi.dean@nrlrb.gov](mailto:bisi.dean@nrlrb.gov), so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

*/s/ Bisi Oliana O. Dean*  
Bisi Oliana O. Dean  
Field Examiner

|   |   |  |  |
|---|---|--|--|
| <b>UNITED STATES OF AMERICA</b><br><b>NATIONAL LABOR RELATIONS BOARD</b><br><b>AMENDED CHARGE AGAINST EMPLOYER</b>  |   | <b>DO NOT WRITE IN THIS SPACE</b><br>Case <b>5-CA-140171</b><br>Date Filed <b>11/20/14</b> |  |
| <b>INSTRUCTIONS:</b> File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.   |   |  |  |
| <b>1 EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>  |   |  |  |
| <b>a. Name of Employer</b><br>Holeman Enterprises d/b/a McDonald's & McDonald's Corp. as Joint and Single Employers   |   | <b>b. Number of workers employed</b><br>100  |  |
| <b>c. Address</b><br><br>2011 Chamberlayne Ave<br>Richmond, VA 23222<br><br>McDonald's Corp. 2111 McDonald's Dr.<br>Oak Brook, IL 60523   | <b>d. Employer Representative</b><br><br>Holeman Enterprises: (b) (6), (b) (7)(C)<br>McDonald's: Gloria Santana | <b>e. Telephone No.</b><br><br>Holeman Enterprises: (804) 321-3405                         |  |
| <b>f. Type of Establishment</b><br>Restaurant   | <b>g. Identify principal product or service</b><br>Food Service   |  |  |
| <b>h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection s(1), (3) and (4) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.</b> |   |  |  |
| <b>2. BASIS OF THE CHARGE</b> (Set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  |   |  |  |
| On a date within the last six months, employer has interfered with and discriminated against employees in the exercise of their Section 7 rights in violation of Sections 8(a)(1) and (3) of the Act by engaging in the following conduct:  |   |  |  |
| -reducing the hours and days of employee (b) (6), (b) (7)(C) by way of early dismissal, in retaliation for participating in the (b) (6), (b) (7) nationwide fast food strikes;  |   |  |  |
| -disparately disciplining (b) (6), (b) (7)(C) in retaliation for participating in the (b) (6), (b) (7)(C) nationwide fast food strikes,   |   |  |  |
| -in or around early (b) (6), (b) (7)(C) 2014, denying (b) (6), (b) (7)(C) a transfer to another store in retaliation for (b) (6) strike activity;   |   |  |  |
| -on or about (b) (6), (b) (7)(C) 2014, terminating (b) (6), (b) (7)(C) in retaliation for engaging in union and board activity.   |   |  |  |
| <b>3 Full name of party filing charge (if labor organization, give full name, including local name and number)</b><br>Southern Workers Organizing Committee   |   |  |  |
| <b>4a. Address (street and number, city, state, and ZIP code)</b><br><br>314 S. Wilmington St., Suite 207<br>Raleigh, NC 27601  |   | <b>4b. Telephone No.</b><br><br>(b) (6), (b) (7)(C)  |  |
| <b>5 Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)</b>   |   |  |  |
| <b>6 DECLARATION</b>  |   |  |  |
| I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief   |   |  |  |
| <br>(Signature of representative or person making charge)  |   | Attorney<br>(Title if any)   |  |
| Address <u>Ashcraft &amp; Gerel LLP 4900 Seminary Road, Suite 650 Alexandria, VA 22311</u>  |   | (703) 931-5500<br>(Telephone No.)  |  |
| Date <u>Nov 20, 2014</u>  |   |  |  |
| WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  |   |  |  |





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198



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November 24, 2014

Doreen S. Davis, Esq.  
Joshua Grossman, Esq.  
Jones Day  
222 East 41st Street  
New York, NY 10017-6702

Michael S. Ferrell, Esq.  
Andrew Madsen, Esq.  
Jones Day  
77 West Wacker Drive, Suite 3500  
Chicago, IL 60601-1701

Re: Holeman Enterprises d/b/a McDonald's &  
McDonald's Corp. as Joint and Single  
Employers  
Case 05-CA-140171

Dear Ms. Davis, Mr. Grossman, Mr. Ferrell and Mr. Madsen:

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Examiner Bisi Dean whose telephone number is (410) 962-0179. If the agent is not available, you may contact Supervisory Field Examiner Nathan M. Seidman whose telephone number is (410) 962-2740.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter

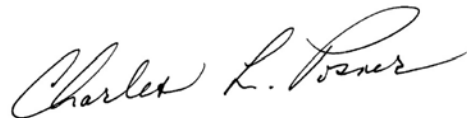
Holeman Enterprises d/b/a McDonald's &  
McDonald's Corp. as Joint and Single  
Employers  
Case 05-CA-140171

- 2 -

November 21, 2014

sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

A handwritten signature in black ink, reading "Charles L. Posner". The signature is written in a cursive style with a large, stylized "C" and "P".

Charles L. Posner  
Regional Director

Enclosure: Copy of first amended charge

cc: Ms. Gloria Santona  
McDonald's Corp  
2111 McDonald's Drive  
Oak Brook, IL 60523

**(b) (6), (b) (7)(C)**

Holeman Enterprises  
2011 Chamberlayne Avenue  
Richmond, VA 23222

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**HOLEMAN ENTERPRISES D/B/A  
MCDONALD'S & MCDONALD'S CORP. AS  
JOINT AND SINGLE EMPLOYERS**

Charged Party

and

**SOUTHERN WORKERS ORGANIZING  
COMMITTEE**

Charging Party

**Case 05-CA-140171**

**AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on November 24, 2014, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

**(b) (6), (b) (7)(C)**

Holeman Enterprises  
2011 Chamberlayne Avenue  
Richmond, VA 23222

Ms. Gloria Santona  
McDonald's Corp  
2111 McDonald's Drive  
Oak Brook, IL 60523

Doreen S. Davis, Esq.  
Joshua Grossman, Esq.  
Jones Day  
222 East 41st Street  
New York, NY 10017-6702

Michael S. Ferrell, Esq.  
Andrew Madsen, Esq.  
Jones Day  
77 West Wacker Drive, Suite 3500  
Chicago, IL 60601-1701

November 24, 2014

---

Date

Stephanie Leonard-Cook, Designated  
Agent of NLRB

---

Name

/s/ Stephanie Leonard-Cook

---

Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198



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November 24, 2014

Virginia Diamond, Esq.  
Ashcraft & Gerel, LLP  
4900 Seminary Rd., Ste. 650  
Alexandria, VA 22311

Lauren Bonds, Esq.  
Security Employees International Union  
1800 Massachusetts Ave., N.W.  
Washington, DC 20036

Re: Holeman Enterprises d/b/a McDonald's &  
McDonald's Corp. as Joint and Single  
Employers  
Case 05-CA-140171

Dear Ms. Diamond and Mr. Bonds:

We have docketed the first amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Examiner Bisi Dean whose telephone number is (410) 962-0179. If the agent is not available, you may contact Supervisory Field Examiner Nathan M. Seidman whose telephone number is (410) 962-2740.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter

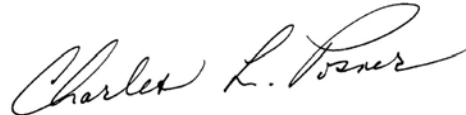
Holeman Enterprises d/b/a McDonald's &  
McDonald's Corp. as Joint and Single  
Employers  
Case 05-CA-140171

- 2 -

November 24, 2014

sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

A handwritten signature in black ink, reading "Charles L. Posner". The signature is fluid and cursive, with the first name "Charles" being more prominent and the last name "Posner" following in a similar style.

Charles L. Posner  
Regional Director

Enclosure: Copy of first amended charge

cc: (b) (6), (b) (7)(C)  
Southern Workers Organizing Committee  
314 S. Wilmington St., Ste. 207  
Raleigh, NC 27601

SM

|   |                      |  |  |
|---|----------------------|--|--|
| Case No.: 5- <u>CA</u><br><u>140171</u>   |                      | CASE NAME: <u>Hofman Enterprises 2161e</u><br><u>McDonald's &amp; McDonald's Corp as Joint</u>   |  |
| DATE FILED: <u>11/26/14</u>   |                      | Category: <u>III</u>   | Potential 10(j): <u>Yes</u><br><u>Single Employees</u> |
| REASON:<br><input checked="" type="checkbox"/> Add Allegations<br><input type="checkbox"/> Add/Remove Allegations<br><input type="checkbox"/> Change in Body of Charge<br><input type="checkbox"/> Deficiency on Charge<br><input type="checkbox"/> Other<br><input type="checkbox"/> Change in Parties' Name and/or Address<br><input type="checkbox"/> Remove Allegations   |                      | Have all allegations been disposed of as a result of this action (i.e., withdrawn, dismissed, amended, deferred, settled, submitted to advice, or contained in an issued complaint)? (Must be answered)<br><br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO   |  |
| Barg Status:<br><input type="checkbox"/> Existing Contract<br><input type="checkbox"/> Expired Contract<br><input type="checkbox"/> Initial Contract<br><input type="checkbox"/> None<br><input checked="" type="checkbox"/> Organizational Campaign<br><input type="checkbox"/> Succeeding Contract  |                      | COMMENTS:<br><u>send copy charge to Region 2</u>   |  |
| # 8(a)(2)'s   | # 8(a)(3)'s <u>1</u> | # of Employees (if not currently on charge)<br><u>100</u>  |  |
| SUPERVISOR: <u>Saidmen</u>  |                      | AGENT: <u>Daen</u>   |  |
| <b>8(a)(1)</b><br><input type="checkbox"/> Coercive Actions (Surveillance, etc)<br><input type="checkbox"/> Coercive Rules<br><input type="checkbox"/> Coercive Statements (Threats, Promises of Benefits, etc.)<br><input checked="" type="checkbox"/> Concerted Activities (Retaliation, Discharge, Discipline)<br><input type="checkbox"/> Denial of Access<br><input type="checkbox"/> Discharge of supervisor (Parker-Robb Chevrolet)<br><input type="checkbox"/> Interrogation (including Polling)<br><input type="checkbox"/> Lawsuits<br><input type="checkbox"/> Weingarten  |                      | <b>8(a)(4)</b><br><input type="checkbox"/> Changes in Terms and Conditions of Employment<br><input checked="" type="checkbox"/> Discharge (including Layoff and Refusal to Hire)<br><input type="checkbox"/> Discipline<br><input type="checkbox"/> Refusal to Reinstate Employee/Striker<br><input type="checkbox"/> Shutdown or Relocate/ Subcontract Unit Work  |  |
| <b>8(a)(2)</b><br><input type="checkbox"/> Assistance<br><input type="checkbox"/> Domination<br><input type="checkbox"/> Unlawful Recognition   |                      | <b>8(a)(5)</b><br><input type="checkbox"/> Alter Ego<br><input type="checkbox"/> Failure to Sign Agreement<br><input type="checkbox"/> Refusal to Bargain/Bad Faith Bargaining (incl'g surface bargaining/direct dealing)<br><input type="checkbox"/> Refusal to Furnish Information<br><input type="checkbox"/> Refusal to Hire Majority<br><input type="checkbox"/> Refusal to Recognize<br><input type="checkbox"/> Repudiation/Modification of Contract[Sec 8(d)/Unilateral Changes<br><input type="checkbox"/> Shutdown or Relocate (e.g. First National Maint.).Subcontract Work |  |
| <b>8(a)(3)</b><br><input checked="" type="checkbox"/> Changes in Terms and Conditions of Employment<br><input checked="" type="checkbox"/> Discharge (Including Layoff and Refusal to Hire (not salting))<br><input checked="" type="checkbox"/> Discipline<br><input type="checkbox"/> Lockout<br><input type="checkbox"/> Refusal to Consider/Hire Applicant (salting only)<br><input type="checkbox"/> Refusal to Reinstate E'ee/Striker (e.g. Laidlaw)<br><input type="checkbox"/> Retaliatory Lawsuit<br><input type="checkbox"/> Shutdown or Relocate/ Subcontract Unit Work<br><input type="checkbox"/> Union Security Related Actions |                      | <b>8(e)</b><br><input type="checkbox"/> All Allegations against a Labor Organization<br><input type="checkbox"/> All Allegations against an Employer   |  |
| Proofed By <u>Ag</u> <u>11-24-14</u>  |                      |  |  |

**From:** [Jaffe, Leah Z.](#)  
**To:** [Shuster, Steven L.](#)  
**Cc:** [Dean, Bisi](#); [Posner, Charles](#); [Dunham, Geoffrey](#); [Fernbach, Karen P.](#)  
**Subject:** RE: Holeman Enterprises d/b/a McDonald's & McDonald's Corp. as Joint and Single Employers; 05-CA-140171: Recommendation to Coordinating Region 2 - (b) (5)  
**Date:** Wednesday, December 31, 2014 8:30:00 AM

---

Steve, I have reviewed the agenda minute. It is find to go ahead and solicit withdrawal. Thanks for keeping us in the loop.

Leah Z. Jaffe  
Regional Attorney  
National Labor Relations Board, Region 2  
26 Federal Plaza, Room 3614  
New York, N.Y. 10278  
(212) 264-0336  
FAX (212) 264-2450  
[leah.jaffe@nrlrb.gov](mailto:leah.jaffe@nrlrb.gov)

---

**From:** Shuster, Steven L.  
**Sent:** Tuesday, December 30, 2014 5:04 PM  
**To:** Jaffe, Leah Z.  
**Cc:** Dean, Bisi; Posner, Charles  
**Subject:** FW: Holeman Enterprises d/b/a McDonald's & McDonald's Corp. as Joint and Single Employers; 05-CA-140171: Recommendation to Coordinating Region 2 - (b) (5)  
**Importance:** High

I am forwarding our (b) (5) recommendation in Holeman Enterprises d/b/a McDonald's 140171. We will take no further action until we hear from you.

---

**From:** Dean, Bisi  
**Sent:** Tuesday, December 30, 2014 4:54 PM  
**To:** Shuster, Steven L.  
**Subject:** Holeman Enterprises d/b/a McDonald's & McDonald's Corp. as Joint and Single Employers; 05-CA-140171: Recommendation to Coordinating Region 2 - (b) (5)  
**Importance:** High

Dear Steve:

As you know, the above-captioned charge is being coordinated by Region 2. On 12/23/14 we agenda-ed the case and the RD determined the charge was (b) (5). As such, the Region's recommendation is that (b) (5). Please see the [FIR](#) and the [Agenda Minute](#).

Regards,

Bisi  
*Bisi Oliana O. Dean*



Field Examiner  
National Labor Relations Board  
Region 5 - Baltimore  
100 S. Charles Street, Suite 600  
Baltimore, MD 21201  
Ph: (410) 962-0179/Fax: (410) 962-2198  
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Case Name: Holeman Enterprises d/b/a McDonald's & McDonald's Corp. as Joint and Single Employers  
Case No.: 05-CA-140171 (b) (6), (b) (7)(C)  
Agent: Bisi Oliana O. Dean, FX

### **Codes**

N/A – No Answer      WCB – Will Call Back      LMCB – Left Message To Call Back  
N/I – Not In      LM – Left Message      R/C – Returned Call

### **CASEHANDLING LOG**

| Date                | Person Contacted  | Method of Contact | Description of Contact or Activity  |
|---------------------|---|-------------------|---|
| 10/30               | CP: Virginia Diamond, Esq, attorney, on behalf of (b) (6), (b) (7)(C) and the Southern Workers Organizing Committee |                   | CHG filed. (b) (5)<br>(b) (5)   |
| 11/6                | Lauren Bonds, attorney with SEIU  | Email             | Asked if she was representing the CP in this matter as she did in the former case. See <a href="#">NOA.05-CA-140171.NOA FOR CP - LAUREN BONDS</a> |
| 11/11               | Jones Day – Chicago and NYC<br>Joshua Grossman,<br>Doreen Davis,<br>Michael Ferrell,<br>and Andrew Maden            | Email             | <a href="#">NOA.05-CA-140171.05-CA-140171 ? Davis, Ferrell, Grossman, Madsen.PDF</a>  |
| (b) (6), (b) (7)(C) | (b) (6), (b) (7)(C)<br>(b) (6), (b) (7)(C)<br><br>Discriminatee<br>(b) (6), (b) (7)(C)                              | In-Person         | (b) (6), (b) (7)(C)<br><br>(b) (6), (b) (7)(C)  |
| 11/14               | Ferrell   | Phone             | LMCB for BOD asking (b) (5)   |

| Date  | Person Contacted                            | Method of Contact | Description of Contact or Activity   |
|-------|---|-------------------|--|
|       |   |                   | (b) (5)<br>BOD said she would be sending ALL LTRs next week.   |
| 11/17 | NMS   | Phone             | BOD explained that the CHG was very specific, alleging the ULP occurred in retaliation to the discriminatee's participation in the nationwide fast food (b) (5), (b) (6), (b) (7)(C)<br>NMS said to check with the CP. |
|       | Bonds                                       | Phone and Email   | BOD asked if Bonds had a copy of the AFFs. She said she did not. As such, (b) (5), (b) (6), (b) (7)(C)<br>Bonds asked if she could get back to BOD the following day.  |
| 11/21 | Bonds                                       |                   | <a href="#">CHG.05-CA-140171.Signed Amended Charge Against Employer</a>  |
| 11/24 | Holeman Enterprises Counsel Felding Douthat | Email             | <a href="#">NOA.05-CA-140171.NOA FOR HOLEMAN ENTERPRISES - FELDING DOUTHAT</a>   |
| 11/28 | ER Counsels                                 | Email             | <a href="#">LTR.05-CA-140171.BOD SENT ALL LTR</a><br><a href="#">LTR.05-CA-140171.BOD TO HOLEMAN COUNSEL F. DOUTHAT - NOA, 1ST AMENDED CHG, ER AFFS</a>  |
| 12/1  | Douthat                                     | Email             | Requested an extension on PST as 1 week was not enough. BOD asked if the 12 <sup>th</sup> was OK, since she would like to get all ER AFFs done on the 10 <sup>th</sup> , if witnesses are available.                   |
| 12/9  | Ferrell                                     | Email             | <a href="#">PST.05-CA-140171.Michael S. Ferrell Position Statement 05-CA-140168 and 05-CA-140171.PDF</a>   |
| 12/14 | Mago  | Email             | <a href="#">LTR.05-CA-140171.Counsel Mago Says PST To Be Submitted on 12/15/14</a>   |

[illegible]

[illegible]

**THE ROLE OF AGENT/ATTORNEY HAS NOT BEEN SET AS PRIMARY ON THIS ACTION. PLEASE GO BACK TO NXGEN, CLICK ON THE 'ACTION TEAM' BUTTON FOR THE ACTION YOU ARE IN, AND SET THE AGENT AS PRIMARY WITH A ROLE OF AGENT/ATTORNEY. THEN RE-GENERATE THIS DOCUMENT.**

January 15, 2015

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Re: Holeman Enterprises d/b/a McDonald's &  
McDonald's Corp. as Joint and Single  
Employers  
Case 05-CA-140171

Dear Davis, Grossman, Mr. Madsen, Mr. Ferrell, Mr. Douthat, Jr., Mr. Mago:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

cc: (b) (6), (b) (7)(C)  
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